

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 6
BOARDS AND COMMISSIONS

ARTICLE VII
JUVENILE HEARING BOARD

No..... Date.....

Approved.....Mayor

Be it ordained by the City of Warwick:

Section I. Chapter 6 of the Code of Ordinances of the City of Warwick is hereby amended as follows:

Sec. 6-191. - Established.

There is hereby established within the city a juvenile hearing board with the powers set forth in this article for the purpose of hearing all cases referred to such board by the chief of the police department, with respect to persons resident in the city, under the age of 18 years, who are charged with violating the criminal laws of the state or the city.

Sec. 6-192. - Referral of offenders to board.

(a) Any person who is a resident of the city and under the age of 18 years who allegedly shall have committed a juvenile offense which if committed by an adult would be a misdemeanor may request a hearing before the juvenile hearing board rather than being referred to the family court; provided, however, that said referral to the juvenile hearing board is made with the approval of the chief of police of the city; and further provided that referral to said juvenile hearing board shall not be offered to any juvenile:

- (1) Who has been charged with the crime of assault or battery, unless specifically approved by the chief of police of the city;
- (2) Who shall have been twice previously referred to said board or who shall have been once previously referred to said board and refused or failed to abide by the sanctions imposed or to make the restitution recommended by said board; or
- (3) Who at the time of commission of such juvenile offense was within the custody and control of family court, not to include guardianship matters.

1 (b) The chief of police may offer referral to the juvenile hearing board to any other juvenile
2 offender where, in the opinion of the chief of police, such referral would be beneficial to the
3 juvenile concerned and the community at large. No referral to said board shall be made by the
4 chief of police until such person, together with his/her legal guardians, shall have, in writing,
5 waived such person's right to a hearing in the family court with respect to the offense charged,
6 shall have admitted guilt to the offense charged, and shall have agreed to abide by the decision
7 of said board; provided, however, that failure to comply with the decision of said board may
8 result in the referral of said juvenile to the family court by the chief of police.
9

10 **Sec. 6-193. - Refusal of referral.**

11 The board, after investigation, may refuse to hear any case in which it appears that a
12 juvenile was wrongfully referred in violation of section 6-192. In addition, the board may refuse
13 to hear any case in which the juvenile refuses to supply the board with requested information,
14 fails to appear when requested or refuses to cooperate with the proceedings of the board. The
15 board shall immediately notify the chief of police, in writing, of any case which it refuses to hear,
16 and the chief of police shall take whatever further action that is deemed necessary, including
17 referral to the family court.
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19 **Sec. 6-194. - Legal representation of offenders.**

20 Any juvenile offender shall be entitled to be represented by counsel and present evidence at
21 said hearing. Said legal representation shall be at the offender's own expense.
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23 **Sec. 6-195. - Powers and duties; imposition of sanctions.**

24 (a) The board shall hear all cases referred to it by the chief of police and shall recommend
25 sanctions (other than incarceration) and shall direct restitution for any injuries resulting from the
26 commission of such offense.

27 (b) Sanctions imposed by the board shall be for a period of time not to exceed six months and
28 may consist of, but shall not be limited to, public service, referral to counseling, curfews,
29 restrictions on association with other offenders, restrictions on employment, and fines not to
30 exceed \$100.00, or any combination of the above.

31 (c) In those cases in which the board shall order restitution, it shall attempt to assist the offender
32 and his/her parents in providing a means whereby the offender may make such restitution. In
33 ordering restitution, the board shall take into account the offender's ability to pay and the
34 amount of actual damages caused as a result of the commission of such offense.

35 (d) In any proceeding, the board, prior to imposing sanctions, shall request the juvenile offender
36 and his/her parents to agree to the sanctions imposed and to agree to the amount of restitution
37 and manner of making the same. In imposing sanctions or ordering restitution, the board shall
38 consider the nature of the offense, the prior record of the offender, and any mitigating
39 circumstances involved.

40 (e) The board shall have the right to levy hearing costs.
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42 **Sec. 6-196. - Meetings and rules of procedure.**

1 (a) The board shall meet not less than once each month; ~~as necessary~~ however, the board shall
2 not be required to meet if there are no pending cases before it and no cases currently referred to
3 it by the chief of police. It shall give written notice of the matters to be heard before it to the
4 chief of police, the juvenile officer, and the juvenile offender and his/her parents, not less than
5 ten days prior to the date of the hearing. Said notice shall set forth the nature of the offense, the
6 time and place of the hearing, and the offender's right to be represented by counsel at the
7 offender's expense.

8 (b) A majority of the members of the board shall constitute a quorum, and its proceedings shall
9 be closed to the public. The board shall elect one of its members as its chairperson and one as its
10 vice-chairperson. In the absence of the chairperson, the vice-chairperson shall be the presiding
11 officer. A majority of the members present shall be required to take any action. The board shall
12 have the power from time to time to draft rules governing its proceedings or to amend or repeal
13 any rules theretofore adopted, with the approval of the chief of police, and not inconsistent with
14 this article.

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16 **Sec. 6-197. - Membership; term of office.**

17 (a) The membership of the board shall consist of seven persons over the age of 18 years, to be
18 appointed by the city council, all of whom shall have been residents for at least three years
19 within the city, and none of whom shall be attorneys admitted to practice before the supreme
20 court of the state, and none shall be an elected official in any capacity in any city or town. The
21 city council shall appoint one member whose term shall expire on December 1, 1992, and
22 thereafter until his/her successor is appointed and qualified, three members whose term shall
23 expire on December 1, 1993, and thereafter until their successors are appointed and qualified,
24 and three members whose term shall expire on December 1, 1994, and thereafter until their
25 successors are appointed and qualified. During the month of November and annually thereafter,
26 the city council shall appoint a member or members to succeed the member or members whose
27 terms will then next expire, to serve for a term of three years, commencing on December 1, and
28 thereafter until their successors are appointed and qualified. In the event of a vacancy occurring
29 in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like
30 manner as the original appointment, but only for the remainder of the term of the former
31 member. No member of the board shall be entitled to receive any compensation by reason of his
32 or her service on the board. An attorney may be appointed to the board as an ex officio member
33 by the chief judge of the family court.

34 (b) The composition of the board shall consist of citizens of the city who have a background in
35 and of the related fields of education, probation and parole, human services, or community
36 youth programs, members of the clergy, former law enforcement or judicial officials or any
37 citizens whom the council deems have the credentials that would be an asset to the board.

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39 **Sec. 6-198. - Effective date.**

40 This article shall apply to all juveniles alleged to have committed an offense after July 12,
41 1992.

42 Section II. This Ordinance shall take effect upon passage and publication as prescribed by law.

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SPONSORED BY: COUNCIL PRESIDENT TRAVIS

COMMITTEE: ORDINANCE